

STATE OF CALIFORNIA  
REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

# AGENDA

Wednesday, February 8, 2006  
8:45 a.m.

Water Quality Control Board  
Regional Board Meeting Room  
9174 Sky Park Court  
San Diego, California

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, January 25, 2006, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, February 1, 2006 will not be provided to the Regional Board members and will not be considered by the Regional Board. *PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.*

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: [rb9agenda@waterboards.ca.gov](mailto:rb9agenda@waterboards.ca.gov) to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, January 25, 2006.

*Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of order at the discretion of the Chairman.*

**8:45 – 9:15 a.m.:** A ceremony will be held honoring past and present Board Members. A plaque containing their names will be unveiled during the ceremony. Those honored may share some of their experiences and thoughts on their tenure with the Regional Board.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: December 14, 2005.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

***Consent Item:***

5. NPDES Permit Revision: Genentech, Inc. – Ownership change from IDEC Pharmaceuticals Corporation to Genentech, Inc. and facility name change from New IDEC Manufacturing Operation (NIMO) to Genentech NIMO Facility for the discharge to the Pacific Ocean through the Oceanside Ocean Outfall, San Diego County (tentative Addendum No. 1 to Order No. R9-2003-0140, NPDES No. CA0109193) (*Tony Felix*)

***Remainder of the Agenda (Non-Consent Items):***

6. **PUBLIC HEARING:** Total Maximum Daily Loads (TMDLs) for Indicator Bacteria, Project I - Beaches and Creeks in the San Diego Region. The Regional Board will hear testimony and comments on the proposed bacteria TMDLs. The Regional Board will deliberate on and consider adoption of an amendment incorporating the TMDLs into the Basin Plan at a subsequent meeting. (Tentative Resolution No. R9-2006-0001) (*Christina Arias*)
7. **PUBLIC HEARING:** Administrative Assessment of Civil Liability against the City of Carlsbad for violations of Order No. 99-08-DWQ, Statewide General Construction Storm Water Permit, at the Municipal Golf Course project at 5800 Hidden Valley Road, Carlsbad, California, WDID No. 9 37C337203. (Tentative Order No. R9-2006-0009) (*Frank Melbourn*)
8. ***Executive Session*** - Discussion of Ongoing Litigation  
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:  
*WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50.* Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (*Frank Melbourn*)

*Divers' Environmental Conservation Organization v. State Water Resources Control Board*, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water.

*Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region*. San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

*Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region*. San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

*People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.*. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61

9. *Executive Session* - Consideration of Initiation of Litigation  
The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.
10. *Executive Session* - Discussion of Pending Litigation  
The Regional Board may meet in closed session to discuss pending litigation.
11. *Executive Session* - Personnel  
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
12. Election of Chair and Vice Chair. Porter-Cologne Water Quality Control Act, Chapter 4, Article 2, paragraph 13220(b), Each regional board shall select one of its members as chairman at the first regular meeting held each year. Following the election of the Chair, the Board will elect a Vice Chair.
  - a. Election of Chair
  - b. Election of Vice Chair
13. Arrangements for Next Meeting and Adjournment  
 Wednesday, March 8, 2006 - 9:00 a.m.  
 Water Quality Control Board  
 Regional Board Meeting Room  
 9174 Sky Park Court  
 San Diego, California

### ***Notifications***

- A. On December 7, 2005, the Executive Officer issued Cleanup and Abatement Order No. R9-2005-

02788 to Multiple Concrete Enterprises Inc., Michael & Milan Lubanko, LUBCO Inc., and property owners Tabatha and Keri Lubanko. The responsible parties discharged or allowed the discharge of concrete slurry waste into Del Luz Creek and its tributaries from an unclassified and unregulated surface impoundment. The concrete slurry waste was generated as part of its concrete grinding operation for a Caltrans Interstate-5 construction project and transported to the surface impoundment. This surface impoundment is located at 45011 Vuelta Grande, Temecula in Riverside County. The Order requires the immediate removal of the slurry waste from De Luz Creek, tributaries to De Luz Creek, and the surface impoundment. The Order also requires the proper disposal of the removed slurry waste off site in compliance with applicable codes and regulations. *(Eric Becker)*

B. On December 15, 2005, the Executive Officer issued Cleanup and Abatement Order No. R9-2005-0279 to Atlas Hotel Management L.L.C., Town and Country Hotel L.L.C., and American Asphalt & Concrete, Inc. for a discharge of waste to the San Diego River caused by the construction of a parking lot adjacent to the San Diego River. The Order requires the cleanup of the discharged waste and restore the area to pre-discharge conditions. A Technical Report is due on January 12, 2006 to the Regional Board documenting the cleanup. The dischargers have not requested a hearing to contest the Cleanup and Abatement Order. *(Mike Porter)*

C. City of Escondido--On December 30, 2005 Arthur Coe, Assistant Executive Officer, issued an Administrative Civil Liability Compliant recommending a \$1,797,150 assessment of civil liability against the City of Escondido for violations related to wastewater stored, treated, and discharged through the City's sewage treatment facilities. The complaint includes both mandatory minimum penalties and discretionary liability as authorized by the California Water Code. This complaint supercedes an earlier complaint issued in November 2004, which recommended a mandatory minimum penalty of \$1.2 million for effluent limitation violations that occurred between May and August 2004. The previous complaint was withdrawn for several reasons, including delays impeding a public hearing within 90 days of issuance. Additional violations were added to the reissued Complaint to address all noncompliance associated with the City of Escondido's facilities. Additional information can be found on the Regional Board's website at [www.waterboards.ca.gov/sandiego](http://www.waterboards.ca.gov/sandiego) or by contacting Rebecca Stewart at (858) 467-2966 or [Rstewart@waterboards.ca.gov](mailto:Rstewart@waterboards.ca.gov). *(Rebecca Stewart)*

#### DIRECTIONS TO REGIONAL BOARD MEETING

From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3<sup>rd</sup> stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.

From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2<sup>nd</sup> stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.